

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 2nd day of December, 2020.

| | | |
|--|---|-------------------------------------|
| In the Matter of Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities' Purchased Gas Adjustment Tariff Filing |) | <u>File No. GR-2021-0101</u> |
| |) | Tariff No. YG-2021-0116 |
| |) | |

ORDER APPROVING PGA TARIFF

Issue Date: December 2, 2020

Effective Date: December 13, 2020

On November 6, 2020,¹ Liberty Utilities (Midstates Gas) Corp. d/b/a Liberty (Liberty) filed a proposed tariff sheet to reflect changes in its Regular Purchased Gas Adjustment (PGA) factor as a result of estimated changes in the cost of natural gas. The tariff sheet bore an effective date of December 6. Noting that it had missed by two days the PGA/ACA tariff filing deadline established in its tariff, Liberty filed a motion asking for a variance from its tariff to allow for the late filing of the PGA/ACA tariff.

On November 6, the Commission directed that no later than November 16 the Staff of the Commission (Staff) file a recommendation and that any party wishing to do so file a response to the tariff sheet. Subsequently, Liberty filed multiple corrections to its tariff sheet and voluntarily extended the effective date of that tariff sheet to December 13 to allow Staff more time to review the tariff sheet. At Staff's request, the Commission extended the date for filing of a Staff recommendation and other responses to November 20. Staff filed a recommendation on November 20, 2020. No other party filed a response.

¹ All dates are in 2020 unless otherwise indicated.

Liberty's proposed PGA tariff will have the following effects on its PGA rates:

| Gas Service Area | Current Total PGA | New Total PGA | Difference |
|-------------------------|--------------------------|----------------------|-------------------|
| Liberty West | | | |
| Firm | \$0.33671 | \$0.31944 | -\$0.01727 |
| Interruptible | \$0.28127 | \$0.25959 | -\$0.02168 |
| Kirksville | | | |
| Firm | \$0.31639 | \$0.21708 | -\$0.09931 |
| Interruptible | \$0.20458 | \$0.01573 | -\$0.18885 |
| Northeast | | | |
| Firm | \$0.36512 | \$0.18555 | -\$0.17957 |
| Interruptible | \$0.27007 | \$0.06188 | -\$0.20819 |
| Southeast | | | |
| Firm | \$0.35250 | \$0.27687 | -\$0.07563 |
| Interruptible | \$0.22588 | \$0.09211 | -\$0.13377 |

In its recommendation, Staff explained that this file was established to track Liberty's PGA factors to be reviewed in its 2019-2020 ACA filing and File No. GR-2020-0126 was established to track Liberty's PGA factors to be reviewed in its 2018-2019 ACA filing. Staff recommended the proposed rate changes be approved on an interim basis, subject to refund, pending final Commission decisions in File Nos. GR-2021-0101 and GR-2020-0126. Staff also requested the Commission order it to file the results of its 2019-2020 ACA review in this case no later than December 15, 2021.

Staff's recommendation also addresses Liberty's request for a variance from its tariff to allow it to file its PGA tariff two days late. Staff concludes that Liberty's tariff

contains no provision that would permit the company to seek a variance or waiver of its tariff. Staff recommends the Commission deny Empire's request for waiver, but nevertheless advises the Commission to *sua sponte* take up and approve the tariff.

Liberty's PGA tariff requires it to make a winter PGA filing between October 15 and November 4 of each year. This year Liberty filed its PGA tariff two days late. Staff contends the Commission has no authority to grant Liberty a variance from its own tariff. But, the tariff also requires Liberty to make a PGA tariff filing and even though it was filed two days late, there is nothing to prevent the Commission from approving the PGA tariff.

The Commission has reviewed the proposed tariff sheet and Staff's recommendation. The Commission finds that the proposed tariff sheet conforms to Liberty's Commission-approved PGA tariff, other than it having been filed two days late. The Commission concludes the proposed tariff sheet should be approved to become effective on December 13, 2020, on an interim basis, subject to refund, pending final Commission decision in this file and File No. GR-2020-0126. Further, the Commission will also direct its Staff to file the results of its ACA review in this case no later than December 15, 2021.

THE COMMISSION ORDERS THAT:

1. The tariff sheet assigned Tracking No. YG-2021-0116, is approved on an interim basis and subject to refund, pending final Commission decisions in this file and in File No. GR-2020-0126. The tariff sheet approved is:

P.S.C. MO No. 2

27th Revised Sheet No. 44, Cancelling 26th Revised Sheet No. 44

2. On or before December 15, 2021, Staff's Procurement Analysis Department

shall submit the results of its ACA review of the changes included in Liberty's November 6, 2020, filing.

3. This order shall become effective on December 13, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Woodruff, Chief Regulatory Law Judge